



Home of the Tualatin River National Wildlife Refuge

**SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
January 17, 2012**

CITY COUNCIL JOINT WORK SESSION WITH PLANNING COMMISSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:07 pm.
2. **COUNCIL AND PLANNING COMMISSIONERS PRESENT:** Mayor Keith Mays, Councilors Bill Butterfield, Matt Langer, Robyn Folsom and Linda Henderson. Councilor Krisanna Clark arrived at 6:10 pm. Council President Dave Grant was absent. Planning Commission members Patrick Allen, Michael Carey and Brad Albert. Commissioner John Clifford arrived at 6:15 pm.
3. **STAFF PRESENT:** City Manager Pro Tem Tom Pessemier, Finance Director Craig Gibons, Economic Development Manager Tom Nelson, Planning Manager Julia Hajduk, Senior Planner Brad Kilby, Associate Planner Zoe Monahan, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy.
4. **OTHERS PRESENT:** Sally Ho with the Oregonian.
5. **TOPICS DISCUSSED:**
 - A. **Trees on Private Property:** Zoe Monahan presented a power point presentation (see record, Exhibit A) and provided a handout (see record, Exhibits B). Discussion occurred regarding proposed new language for trees on private property and the goals for tree coverage on commercial and residential properties.
 - B. **Temporary and Portable Signs:** Brad Kilby presented a power point presentation (see record Exhibit C) and provided a handout (see record, Exhibit D). Discussion followed. Brad explained the need to clarify the existing code regarding temporary and portable signs.
6. **ADJOURN:** Mayor Mays adjourned the work session at 7:15 pm.

REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:25 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**

4. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Bill Butterfield, Matt Langer, Robyn Folsom, Linda Henderson and Krisanna Clark. Council President Dave Grant was absent.
5. **STAFF PRESENT:** City Manager Pro Tem Tom Pessemier, Police Captain Jim Reed, Finance Director Craig Gibbons, Economic Development Manager Tom Nelson, Public Works Director Craig Sheldon, Planning Manager Julia Hajduk, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy.

Mayor Mays addressed the Consent Agenda and asked for a motion.

6. **CONSENT AGENDA**

A. **Approval of January 3, 2012 City Council Minutes**

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBYN FOLSOM, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT GRANT WAS ABSENT).

Mayor Mays addressed the next agenda item.

7. **CITIZEN COMMENTS**

Eugene Stewart PO Box 534 Sherwood came forward and stated he was still looking through the figures presented in the audit of the URA and said he is still puzzled with the figures. Mr. Stewart quoted various figures from the URA Audit and the previous budget. He commented regarding outstanding debt and expressed concerns with the City and URA audits not being available on the State website in comparison to other city's who's audits are posted. Mr. Stewart urged the review of the figures and offered to review them with Council members.

Mayor Mays thanked Mr. Stewart and addressed the next agenda item.

8. **NEW BUSINESS**

- A. **Resolution 2012-003 Authorizing the City Manager Pro-Tem to enter in to an IGA between the Cities of Sherwood and Wilsonville regarding Transmission Segment 3A: Reimbursement for work completed and ownership thereof; and regarding Transmission Segment 3B: payment by Sherwood to Wilsonville for work Previously accomplished, easement acquisition costs and process, Environmental Permitting, Pipeline Design Services, and terms of advance Sherwood funding for construction of Segment 3b**

Public Works Director Craig Sheldon explained the resolution consists of an IGA with the City Wilsonville for the last section of pipeline. Craig explained that 2500 lineal feet have to be designed and constructed, which will include permitting fees, acquisition costs and administrative fees as negotiated in the IGA and asked the Council for approval in order to continue work on the project.

Mayor Mays asked regarding the design firm chosen and if their qualifications have been reviewed and the bid is comparable for a good product for both communities. Craig confirmed stating they have met a few times and all candidates were qualified and comparably priced.

Councilor Henderson asked if the timeline for completion remains the same. Craig answered that it depends on the time required to obtain a permit and said the construction may be completed by 2013.

Councilor Henderson asked if the money was coming from the water fund. Craig confirmed.

With no other Council comments received, Mayor Mays asked for a motion.

MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE RESOLUTION 2012-003, SECONDED BY COUNCILOR ROBYN FOLSOM, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).

Mayor Mays addressed the next agenda item and asked the City Recorder to read the public hearing statement.

9. PUBLIC HEARING

A. Ordinance 2012-002 Amending Section 12.12 of the Municipal Code relating to the use of bicycles, unicycles, roller-skates, roller-blades, scooters and skateboards in public places

Police Captain Jim Reed explained the ordinance and stated with the completion of the Sherwood Cannery Plaza is becomes important for the City to be able to regulate the use of facilities for their intended use. Captain Reed defined a public place as any real property, right-of-way, or other interest owned or held by the City for public use, including parks and open squares. Captain Reed explained that the areas will be signed and voluntary compliance through education is hoped for, but as a last resort will refer issues to the courts. Captain Reed stated that the fine is in line with the violation at \$50.

Mayor Mays asked if the fee was part of the fee schedule or imbedded in the ordinance. City Manager Pro Tem Tom Pessemier replied that the fee was imbedded in the ordinance and does not refer to a future fee schedule. Mayor Mays commented that it could be addressed later if council supports the ordinance.

Mayor Mays opened the public hearing to received testimony.

Steven Soto 17795 SW Dodson Drive Sherwood came forward and stated he rides his bike as transportation to work, for recreation, and as a family activity, stating he felt the ordinance marginalized the use of bicycles and some other methods listed as valid means of transportation and suggested amending language in Section D of the ordinance exhibit to allow the legal use of bicycles on roadways governed by proper vehicular code or to revise the definition of a public place not to include roadways. Mr. Soto commented that the way the code was written, riding a bicycle on Pine Street would be in violation of the ordinance.

Mayor Mays thanked Mr. Soto and asked to receive other testimony; with none received he closed the public hearing and asked for staff's comments regarding Mr. Soto's testimony.

City Manager Pro Tem Tom Pessemier expressed his appreciation for Mr. Soto's comments as the City moves forward with plans to complete the Cedar Creek Trail project and other projects that seek to support those different modes of transportation. Tom referenced section D.2 of the ordinance exhibit and said a public place includes right-of-way and a street is designed for such use and is an allowed use both legally and technically. Tom stated he believes this is covered in the ordinance and appreciates the testimony to keep bicycles in use and said staff will keep this in mind as we do signage.

Mayor Mays asked if there was value in adding language and suggested adding "such as roads and public right-of-way". Tom replied he thought so and said this gets around the 30 foot section mentioned by Mr. Soto in Item B.

Councilor Butterfield asked about damage done to property and if there was a means for restitution for damages. Captain Reed stated that damage to property is a civil issue and the ordinance does not address more than a fine beyond the \$50. Tom Pessemier added that Chief Groth mentioned this in work session that there were already sections of the Municipal code that covered damages to City property.

Councilor Henderson asked for clarification on riding on the road passed the Cannery Plaza and if there were other similar City facilities.

Mayor Mays commented that the ordinance refers to areas that are specifically designed for such use so there are other areas other than streets or sidewalks, like the City trails and areas like the pathway that runs along City Hall and the Library.

Mr. Pessemier commented that a specific concern from the work session was in parks and stated that an area within a park can be signed to show the intent of the use.

Councilor Henderson asked for clarification, "is it 30 feet from the sign", Tom replied no, it's 30 feet from a building.

Mayor Mays stated that a space or building would be clearly signed to communicate what is or isn't allowed in a specific area and gave an example of signage at the tennis courts.

Tom replied the way he understands the language is its "30 feet of a public building, or other public place", and suggested adding a comma before the word "or".

Councilor Henderson commented and gave examples of kids on skateboards at Snyder Park and riding them on tables and the water feature and having signage for those areas as there are other areas of the park where skateboarding and riding scooters is fine. She wanted to make sure the ordinance was clear.

With no other Council discussion, the following motion was received.

MOTION TO AMEND: FROM MAYOR MAYS TO AMEND ORDINANCE 2012-002, 12.12.235, SECTION D, SUBSECTION 2 ADDING THE WORDS AT THE END OF THAT LINE, "SUCH AS ROADS AND PUBLIC RIGHT-OF-WAY", SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT GRANT WAS ABSENT).

Mayor Mays asked for Council discussion on the amendment, with none had, the following motion was received.

MOTION: FROM MAYOR MAYS TO READ CAPTION AND ADOPT ORDINANCE 2012-002 AS AMENDED, SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT DAVE GRANT WAS ABSENT).

Mayor Mays addressed the next agenda item.

10. CITY MANAGER REPORT

City Manager Pro Tem Tom Pessemier reported that there has been a work session to discuss the potential YMCA Parks levy and after interviewing with a few firms we are looking to sign a technical assistance letter with Trust for Public Lands who has a great track record for working these types of projects. Tom stated they do not require a contract as they are a non-profit, but do want a technical assistance letter.

Mayor Mays addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS

Councilor Folsom informed of Big Talent Small Town contest is happening with a deadline for submissions on February 1, 2012. Go to www.vpafoundation.org for more information.

With no other Council announcements received, Mayor Mays adjourned to a URA Board of Directors meeting.

12. ADJOURN

Mayor Mays adjourned the Council meeting at 7:49 pm.

Submitted by:


Sylvia Murphy, CMC, City Recorder


Keith S. Mays, Mayor